

Senate Bill No. 1367

CHAPTER 250

An act to amend Sections 42285 and 42286 of, and to repeal Section 42285.2 of, the Education Code, relating to schools.

[Approved by Governor September 14, 2006. Filed with
Secretary of State September 14, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1367, Ducheny. Coachella Valley Unified School District: funding.

Existing law requires the Superintendent of Public Instruction to apportion to each school district on a yearly basis state aid funds in an amount that is determined by multiplying the district's total revenue limit, which is computed as specified, by the district's average daily attendance, which is computed as specified. Existing law requires the total revenue limit to be increased by specified amounts for each school that is located in a school district with an average daily attendance of less than 2,501 and meets the definition in existing law of "necessary small high school." Existing law prohibits the designation of a high school as a necessary small high school from being changed unless a review of the determinative factors supporting the designation indicates that the designation should be changed. Existing law requires the specified review to be conducted every 5 years.

Existing law authorizes, until June 30, 2006, the Coachella Valley Unified School District to include the Sea View Elementary School, or the West Shores High School, or both, in its total revenue limit calculation as a necessary small high school, if the amount of average daily attendance of the school included is 286 or less. Existing law requires, after the specified date, the State Department of Education to review the average daily attendance number of each of the specified schools on a biennial basis to determine whether the district is authorized to continue including the school in its total revenue limit calculation as a necessary small high school.

This bill, instead, would revise the definition of "necessary small high school" to include either or both of the specified schools if the amount of average daily attendance of the school is 286 or less. The bill would prohibit that status from being changed except as a review of the determinative factors made every 2 years following the date of the determination indicates that the determination should be changed.

The people of the State of California do enact as follows:

SECTION 1. Section 42285 of the Education Code is amended to read: 42285. (a) For the purposes of Section 42284, a necessary small high school is a high school with an average daily attendance of less than 301 that comes within any of the following conditions:

(1) The projection of its future enrollment on the basis of the enrollment of the elementary schools in the district shows that within eight years the enrollment in high school in grades 9 to 12, inclusive, will exceed 300 pupils.

(2) Any one of the following combinations of distance and units of average daily attendance applies:

(A) The high school had an average daily attendance of less than 100 in grades 9 to 12, inclusive, during the preceding fiscal year and is more than 15 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 20 miles or 25 percent of the pupils would be required to travel 30 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(B) The high school had an average daily attendance of 100 or more and less than 150 in grades 9 to 12, inclusive, during the preceding fiscal year and is more than 10 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 18 miles or 25 percent of the pupils would be required to travel 25 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(C) The high school had an average daily attendance of 150 or more and less than 200 in grades 9 to 12, inclusive, during the preceding fiscal year and is more than 7½ miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 15 miles or 25 percent of the pupils would be required to travel 20 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(D) The high school had an average daily attendance of 200 or more and less than 301 in grades 9 to 12, inclusive, during the preceding fiscal year and is more than five miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 10 miles or 25 percent of the pupils would be required to travel 15 miles to the nearest other public high school.

(3) Topographical or other conditions exist in the district which would impose unusual hardships on the pupils if the number of miles specified above were required to be traveled. In these cases, the Superintendent may, when requested, and after investigation, grant exceptions from the distance requirements.

(4) The Superintendent has approved the recommendation of a county committee on school district organization designating one of two or more schools as necessary isolated schools in a situation where the schools are

operated by two or more districts and the average daily attendance of each of the schools is less than 301 in grades 9 to 12, inclusive.

(b) For the purposes of Section 42284, a necessary small high school also includes any of the following:

(1) The only high school maintained by a unified school district.

(2) A high school maintained by a school district for the exclusive purpose of educating juvenile hall pupils or pupils with exceptional needs.

(3) (A) The Sea View Elementary School in the Coachella Valley Unified School District, as long as the amount of average daily attendance of that school is 286 or less.

(B) The West Shores High School in the Coachella Valley Unified School District, as long as the amount of average daily attendance of that school is 286 or less.

(c) For the purposes of Section 42284, a necessary small high school does not include a continuation school.

(d) For each fiscal year, the high school and junior high school average daily attendance figures specified in subdivision (a) and the ranges of average daily attendance specified in paragraph (2) of subdivision (a) shall be reduced by the statewide average rate of excused absence reported for high school districts for the 1996–97 fiscal year pursuant to Section 42238.7, with the resultant figures and ranges rounded to the nearest integer.

SEC. 2. Section 42285.2 of the Education Code is repealed.

SEC. 3. Section 42286 of the Education Code is amended to read:

42286. (a) Except as required under subdivision (b), if a high school is determined to be a necessary small high school under Section 42285, that status shall not be changed except as a review of the determinative factors made every five years following the date of the determination indicates that the determination should be changed.

(b) If a high school is determined to be a necessary small high school under paragraph (3) of subdivision (b) of Section 42285, that status shall not be changed except as a review of the determinative factors made every two years following the date of the determination indicates that the determination should be changed.

(c) Any high school that has not been determined to be a necessary small high school under Section 42285, may be determined to be a necessary small high school at the beginning of any fiscal year if it meets the criteria specified in Section 42285.